

Please docket per Ludwig, J.

Attn:
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July 8, 2011

VIA FACSIMILE #215-580-2142Honorable Edmund V. Ludwig
U. S. District Court for the
Eastern District of Pennsylvania
U. S. Courthouse
601 Market Street, Room 5118
Philadelphia, PA 19107Re: *Valerie Bainbridge v. Acme Markets, Inc.*
USDC ED Pa., Civil Action No. 09-4683

Dear Judge Ludwig:

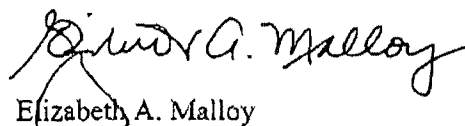
I am counsel to Defendant Acme Markets, Inc. Motions for Summary Judgment by Defendant (on all counts) and Plaintiff (on one count) have been filed, and are presently pending before the Court.

On July 7, 2011 Plaintiff filed a Motion for Sanctions for Spoliation of Relevant Evidence. While Defendant believes the Motion for Sanctions is baseless, I write at this time only to address a timing issue which is in the discretion of the Court.

Summary Judgment Motions have been filed and all other pretrial deadlines were adjourned by the Court's Order (Docket No. 23) dated July 29, 2010. The Motion for Sanctions is a pretrial motion, as it seeks adverse inference jury instructions. Plaintiff did not seek leave of Court to file the Motion for Sanctions. It is a waste of judicial resources, as well as the parties' resources, to respond to the Motion for Sanctions at this time.

Accordingly, Defendant requests that the Court strike the Motion for Sanctions (to be refiled later) or order that Defendant does not need to respond to the Motion for Sanctions until 30 days after Defendant's Motion for Summary Judgment is decided, in the event that the case is not closed.

Respectfully submitted,


Elizabeth A. MalloyEAM/smb
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cc: Marian Schneider, Esquire

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